

## AGENDA

### WEAKLEY COUNTY LEGISLATIVE BODY REGULAR MEETING - NOVEMBER 17, 1996

CALL TO ORDER - 7:00 P.M.

INVOCATION

PLEDGE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES OF SEPTEMBER 15 AND SEPTEMBER 22, 1997 MEETINGS

#### SPECIAL RECOGNITION:

Dr. Gordon Morris, recipient of the TSBA's "C. Hal Henard Distinguished Service Award."

#### REPORTS:

Trustee's Report

General Fund Report

Highway Dept. Report

School Dept. Report

Solid Waste Report

Capital Projects Committee Report - Jimmy Westbrook, Chairman

Finance, Ways and Means Committee Report - Dick Phebus, Chairman

Financial Management Committee Report - Ronnie Bates, Chairman

Health, Education and Welfare Committee Report - John Salmon, Chairman

Legislative Committee Report - Ronnie Bates, Chairman

Personnel Committee Report - John Salmon, Chairman

Public Safety Committee Report - Dick Tidwell, Secretary

Public Works Committee Report - George Broussard, Chairman

Nursing Home Committee Report - Vernon Dunn, Chairman

#### UNFINISHED BUSINESS:

#### NEW BUSINESS:

Resolution No. 1998-20 - General Purpose School

Resolution No. 1998-21 - General Fund Health Risk Assessments

Resolution No. 1998-22 - Highway Dept. Resolution

~~Resolution No. 1998-23 - School Dept. Resolution (Withdrawn)~~

~~Resolution No. 1998-24 - Food Services Resolution (Withdrawn)~~

Resolution No. 1998-25 - Highway Dept. Resolution - Bridge Signs and Posts

Resolution No. 1998-26 - School Dept. Resolution - Purchase of Land for Gleason School

Resolution No. 1998-27 - Resolution Memorializing the Honorable Robert Neal Glasgow

Resolution No. 1998-28 - Resolution Authorizing the Purchase of a Library Building for Weakley County.

Resolution No. 1998-29 - General Fund Amendment - Sheriff's Department

Resolution No. 1998-30 - Amendment to Drug Control Fund

Resolution No. 1998-31 - Resolution Authorizing Supt. of Schools to Enter into a Telephone Agreement for General Purpose School Fund.

Resolution No. 1998-32 - General Fund Amendment - Finance Office

~~Resolution No. 1998-33 - Resolution Authorizing a Continuous Five-Yr. (5) Reappraisal Cycle (Withdrawn)~~

Resolution No. 1998-34 - Creative Label Resolution

Resolution No. 1998-35 - Resolution to authorize a member's spouse to be eligible for an Option death benefit for employees of a political subdivision participating in the Tenn. Consolidated Retirement System.

Resolution No. 1998-36 - Resolution to allow purchase of service lost during a required probationary period for employees of a political subdivision participating in the Tennessee Consolidated Retirement System.

Resolution No. 1998-37 - Resolution to provide an age sixty-five actuarial equivalent benefit to retirees over age sixty-five of a political subdivision participating in the Tennessee Consolidated Retirement System.

Resolution No. 1998-38 - Resolution to allow Group 1 early twenty-five year reduced retirement for employees of a political subdivision participating in the TRS.

Resolution No. 1998-39 - Resolution to allow credit in the TCRS for certain periods of military service rendered in the armed forces of the United States in accordance with Tennessee Code Annotated, Section 8-34-605.

Resolution No. 1998-40 - General Fund Resolution - Everett/Stewart Airport Expansion Contribution

Resolution No. 1998-41 - Resolution Authorizing The County Executive to Execute An Agreement Between Weakley County And The City of Martin In Regard To Distribution Of Certain Payments In Lieu Of Property Taxes.

Miscellaneous announcements and statements

Notaries Public

ADJOURNMENT

WEAKLEY COUNTY LEGISLATIVE BODY  
REGULAR MEETING NOVEMBER 17, 1997

WEAKLEY COUNTY COMMISSION MEETING: November 17, 1997, 7 P. M.  
County Executive, Ron Gifford called the meeting to order.

INVOCATION: Commissioner Jack Vincent.

PLEDGE TO THE FLAG.

ROLL CALL by the County Clerk, Pat Scarbrough with nineteen  
present and one absent.

APPROVAL OF MINUTES OF SEPTEMBER 15 AND SEPTEMBER 22, 1997.  
Motion made by Commissioner Tidwell and seconded by  
Commissioner Buckley. Voice vote. Aye's carried. Minutes  
approved.

SPECIAL RECOGNITION:

Dr. Gordon Morris, recipient of the TSBA's "C. Hal Henard  
Distinguished Service Award."

County Executive, Gifford presented Dr. Gordon Morris a  
certificate of appreciate from Weakley County. Dr. Morris was  
present to receive certificate.

REPORTS

TRUSTEE'S REPORT

GENERAL FUND REPORT

HIGHWAY DEPARTMENT REPORT

SCHOOL DEPARTMENT REPORT

SOLID WASTE REPORT

CAPITAL PROJECT COMMITTEE REPORT Jimmy Westbrook, Chairman

Commissioner Westbrook stated that the School buildings are  
basically through, except for a few items. County surplus  
property and school buildings have been sold. Have purchased  
land for the jail and have let bids for ruff grading. Weakley  
County Library will be opening in December.

FINANCE, WAYS AND MEANS COMMITTEE REPORT Dick Phebus, Chairman

Commissioner Phebus stated that the Committee has met a couple  
of time and reviewed Resolutions and passed them. Met once  
sense the informal session on Resolution No 1998-41 which will  
be presented tonight.

FINANCIAL MANAGEMENT COMMITTEE REPORT Ronnie Bates, Chairman

Commissioner Bates stated the committee had met and approved  
the contract with Henson Construction Management on the jail,  
also discussed the surplus County property auction sale.

HEALTH, EDUCATION AND WELFARE COMMITTEE REPORT John Salmon,  
Chairman

Commissioner Salmon stated that they had met and went over  
school transfers.

LEGISLATIVE COMMITTEE REPORT Jack Vincent, Chairman

Commissioner Vincent stated that the Committee had met and  
elected officers. Tabled Resolution No 1998-33 for further  
review.

PERSONNEL COMMITTEE REPORT John Salmon, Chairman

Commissioner Salmon stated that the Committee had met few times and approved unanimously the personnel hand book and sent out for the review of the attorney. Thanked the Department Head, Mr. Gifford and Becky Haynes for all their help.

PUBLIC SAFETY COMMITTEE REPORT John Bucy, Chairman

Commissioner Tidwell gave the report in the absents of Commissioner Bucy. Commissioner Tidwell stated that the two Resolutions 29 & 30 would be coming up tonight .

PUBLIC WORKS COMMITTEE REPORT George Broussard, Chairman

Commissioner Broussard stated the Committee had met and would answer any questions.

NURSING HOME COMMITTEE REPORT Vernon Dunn, Chairman

Commissioner Dunn stated the Committee had met and things are looking up at the Nursing Home and everything is going well.

Commissioner Phebus stated that he had a question on the Highway Public Works Department on the fund balance of the report.....

Motion by Commissioner Phebus to approved the reports with the exception of the Highway Department Report and seconded by Commissioner Salmon. Commissioner Caudle questioned the Nursing Home balance. Amend the motion made by Commissioner Caudle to exclude the Nursing Home report for correction and seconded by Commissioner Sinclair. Voice vote. Aye's carried.

Approval of the reports excluding the Highway Department and Nursing Home. Upon roll call vote by the County Clerk, nineteen for and one absent. Reports approved.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Resolution No. 1998-20

Motion made for approval and discussion by Commissioner Farmer and seconded by Commissioner Stewart. There was no discussion. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-21

Motion made for approval and discussion by Commissioner Bates and seconded by Commissioner Wright. There was no discussion. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-22

Motion made for approval and discussion by commissioner Farmer and seconded by Commissioner Rook. There was no discussion. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-23

Withdrawn.

Resolution No. 1998-24

Withdrawn.

Resolution No. 1998-25

Motion made for approval and discussion by Commissioner Rook and seconded by Commissioner Parham. There was no discussion. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-26

Motion made for approval and discussion by Commissioner Stewart and seconded by Commissioner Bates. There was no discussion. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-27

Motion made for approval and discussion by Commissioner Sinclair and seconded by Commissioner Parham. Commissioner Tidwell asked that the Resolution be read to the County Commissioners. County Executive, Gifford read the Resolution. A certified copy was to be mailed to Mavis Glasgow. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-28

Motion made for approval and discussion by Commissioner Simmons and seconded by Commissioner Buckley. There was no discussion. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-29

Motion made for approval and discussion by Commissioner Dunn and seconded by Commissioner Parham. There was no discussion. Upon roll call vote by the County Clerk, nineteen for and none opposed. Motion carried.

Resolution No. 1998-30

Motion made for approval and discussion by Commissioner Tidwell and seconded by Commissioner Bates. There was no discussion. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-31

Motion made for approval and discussion by Commissioner Buckley and seconded by Commissioner Westbrook. There was no discussion. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-32

Motion made for approval and discussion by Commissioner Bates and seconded by Commissioner Salmon. After discussion. It was put to a roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-33

Withdrawn.

Resolution No. 1998-34

Motion made for approval and discussion by Commissioner Stewart and seconded by Commissioner Broussard. Motion to amend the Resolution by Commissioner Westbrook to remove section 2 of Resolution and renumber section 3 & 4 to 2 & 3, seconded by Commissioner Bates. Voice vote. Aye's carried. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Resolution No. 1998-35 - 39

Motion made by Commissioner Buckley to combine Resolutions 35-36-37-38-and 39 seconded by Commissioner Broussard. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Motion made for approval and discussion by Commissioner Sinclair and seconded by Commissioner Jones. There was no discussion. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried. County Clerk was to make certified copies to the State of Tennessee.....

Motion to reconsider Resolutions No 21-22-29-30-32 and 34 seconded by Commissioner Westbrook and seconded by Commissioner Vincent. Motion to remove Section 2 by Commissioner Westbrook on Resolution No. 21-22-29-30-32-and 34 seconded by Commissioner Vincent. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Motion made by Commissioner Westbrook to renumber Resolutions on Section 3 & 4 to Section 2 & 3 seconded by Commissioner Stewart. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

Motion made by Commissioner Westbrook to delete Section 2 and renumber according and seconded by Commissioner Stewart. Upon roll call vote by the County Clerk, nineteen for and one absent.

Motion made for reconstruction of Resolutions 21-22-29-30-32-34 by Commissioner Broussard and seconded by Commissioner Buckley were adopted. Upon roll call vote by the County Clerk, nineteen for and one absent. Motion carried.

#### Resolution No. 1998-40

Motion made for approval and discussion by Commissioner Broussard and seconded by Commissioner Phebus. Motion to amend and delete section 2 and renumber 3-4 to 2-3 Commissioner Phebus and seconded by Commissioner Broussard. There was no discussion. Upon roll call by the County Clerk, eighteen for, one passed and one absent. Motion carried as amended. Motion as amended. Upon roll call vote by the County Clerk, seventeen for, two opposed and one absent. Motion carried.

#### Resolution No. 1998-41

Motion made for approval and discussion by Commissioner Phebus and seconded by Commissioner Vincent. Commissioner Phebus stated the this particular Resolution is important or maybe more important than anyone we have consider here tonight. The Resolution in question is number 41 has to do with - with in-lieu of property tax payment with the Wesley Homes in the City of Martin. In the way of a little history on it, the Mayor of the City of Martin addressed myself and some other members of the Commission possibly a number of months ago, in regards to the distribution of in-lieu of tax payment. His question at the time was any controlling statue which mandated certain distribution of taxes. And after doing some research and contacting attorneys and CTAS in Nashville, we determined there was not any controlling authority, just what ever City and County could come to an agreement on. Gleason Mayor had requested this information from me, is that Wesley Homes timing is a big mistake. The City of Martin has put in a good deal of capital investments in seeing the Wesley Homes was located in Martin and also constructed over on Hanning Lane in Martin and he requested at the time that it mite be possible instead of "customize in us" in quote because there is no statue authority on it. Customize in us, distribution is based on tax rate of 1/3 - 2/3 split in this particular in-lieu of tax to distribute 50-50, City getting half and County getting half and I told him I did not know and I would bring it up to the Committee and the County Executive and we could discuss it and see if we could come to an agreement on it. The County Executive was reluctant to agree to any type of agreement which he felt that it was contrary to what historical had been made in Weakley County involving any of the taxes and made statement in our Committee

that it mite open up a can of worms if making an agreement with one company mite possibly have to go back and make agreement with all other companies that are business industries that are paying in-lieu of tax in Weakley County, and again at the time I I apologize now to the member of the Committee and I had really not done that much research in deciding or determining on paying in-lieu of taxes in how and how it was distributed. I have done some research and come up with those figures. I am not trying to fool any body here on this Commission or any body in this room. The figures that I am gong to quote and tell you are based on what I have learned. If somebody in this room knows anything difference I will be glad to entertain that motion and resolve that in any way. Here is what I have come up with. The in-lieu of taxes in Weakley County before this year there was four business industry paying in-lieu of taxes, I'm not talking about electric companies Carroll County Electric and Weakley County Electric that distribution is based on state law and there is nothing we can do about that. I talking about business and industries that pay in-lieu of tax. Before this year there were four all located in City of Martin, Weakley County. MTD \$20,000.00 distributed 30% City - 70% County, Creative Labels in Martin \$6,000.00 331/3% City - 662/3% County, Northwest Apartments located in Martin low income housing unit they pay in-lieu of taxes based on amount of rent they receive every year. It pays the County when distributed based on tax rate, what ever the tax rate is for the City and County it and prorate it out and the other one is Martin Brother Container it pay 50% to County and 50% to City. Those are four, as far as prescience. We have a prescience in a number of differ ways, 70-30, 331/3-662/3 based on the rate 50-50. This year Wesley Homes entered on the tax roll, MTD and Creative Labels are going off. They are going on tax roll they will be paying tax. This year we have three Martin Brothers, Northwest Apartments and Wesley Homes. The City of Martin has requested the Wesley Homes be distributed 50 - 50. Total amount of distribution be to distributed is \$4000.00. Paying \$100.00 a unit they have 400 units total in-lieu of tax is \$4000.00. It went on a strictly tax based on tax rate, Weakley County would get a \$2812.80 City \$1187.20. Go 50-50 what the City of Martin is requesting \$2000.00 City and \$2000.00 County difference to County is \$812.80. Now assuming it's importance because number one they claim the City of Martin had made an sufficient contribution in form of a capital investment that is the they are asking this waiver in normal order of business. Sales tax resolution which we hope-County hopes to being all the Cities in the County by the sales tax assuming this increase passes. Soon as this increase is authorize by this Commission, people vote on it an adopt it. The County has already authorized the County Executive into an agreement to where about the Cities finding up their promise of the sales tax for retirement of the debt and the City of Martin has about \$274,000.00 plus twelve years some three million dollars something we are asking them to give up for the government bond payment. The City of Martin at there first meeting tabled that agreement and with participation of what the County and I assume what were going to do on the in-lieu of tax payment. I think this authority - this authority to authorize the County Executive to enter into this agreement with the Cities and again I say that the County Executive tell me if I am wrong on this, has been reluctant to do that, because of some prescience mite be setting. Based on facts and figures that I have been able to attain prescience is there, are four differ formulas out there now and the City of Martin is asking to duplicate on of them that is already in effect. That is the explanation of why I one other item the Finance, Ways and Means didn't consider this matter at one of these meetings. It pasted - I'm here to tell you it was a two to two vote and the chairman broke the tie. again, I am also here to tell you that some of the information that I just departed to members of this body was not available to them at the time they went to vote I am hoping that this new information has come to light it mite change their mines on this matter. Now I do have one- now that the Motion is on floor for discussion, it has also been talk about any future arrangement for City and County mite have if we adopt this

tonight what about in the future. The Resolution I think takes care of existing agreement. I does not take care of anything that is in existence, there has been question as to what about future, on this I did not put this in the Resolution, and at this time I would like to make motion to amend their Resolution No. 41 and this is the language I would like to use for the amendment to be added to section 3. Any future agreement for the distribution of in-lieu of taxes by any business or industry locating within Weakley County will be based on the contributions and services made by any City and the County in securing the location of the business or industry within Weakley County. Seconded by Commissioner Bates. County Executive, Gifford asked if everyone understood the amendment. There was not a recommendation by the State Equalization Board. After discussion among the Commissioner, the amendment was put to a roll call vote by the County Clerk, eighteen for, one passed and one absent. Motion carried. Original motion as amendment was put to a roll call vote by the County Clerk, sixteen for, three passed and one absent. Motion carried.

#### Miscellaneous announcements and statements

Commissioner Parham stated he appreciated what was done for Robert Neal Glasgow.

#### Notaries Public

Motion for approved and discussion made by Commissioner Caudle and seconded by Commissioner Buckley. Upon roll call vote by the County Clerk, nineteen for and one absent.

#### ADJOURNMENT

Motion by Commissioner Vincent and seconded by Commissioner Bates.

ATTEST:

APPROVED:

PAT SCARBOUGH, COUNTY CLERK

RON GIFFORD, COUNTY EXECUTIVE

This 17th day of November, 1997